

SEYFNIA & PRYBYLO, LLP

Farzad Seyfnia, State Bar No. 292227

633 West 5th Street, Suite 2600

Los Angeles, California 90071

Telephone: (213) 770-4529

fseynia@splawllp.com

Attorneys for Defendant ELAINE ANGELICA LINGA, d/b/a INVESTED
LIFESTYLE and SIMPLYDRIVENLIFE

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

ROANN CELIS-CAPISTRANO, an
individual

Plaintiffs,

vs.

ELAINE ANGELICA LINGA, an
individual and also doing business as
INVESTED LIFESTYLE and
SIMPLYDRIVENLIFE and Does 1-50

Defendants.

Case No. **2:23-cv-06283-JPR**
Honorable Jean P. Rosenbluth

**DEFENDANT’S EX PARTE
APPLICATION TO EXTEND TIME
TO FILE RESPONSIVE PLEADING**

*[Filed concurrently with Declaration of
Farzad Seyfnia, and [Proposed] Order]*

**TO THE HONORABLE COURT, ALL PARTIES, AND THEIR
ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Counsel for the Defendant in this matter
hereby respectfully requests the Court ex parte to extend time to file a responsive
pleading to Plaintiff’s Complaint from August 31, 2023 to September 21, 2023.

**DEFENDANT’S EX PARTE APPLICATION TO EXTEND TIME TO FILE
RESPONSIVE PLEADING**

1 Defendant's Counsel contacted opposing counsel's office and informed his
2 secretary of this ex parte request. (See Declaration of Farzad Seyfnia, ¶¶5-6).
3 Plaintiff's counsel has not returned my communications as of the filing of this
4 Applciation.

5 This ex parte application is based upon a Memorandum of Points and
6 Authorities, Declaration in Support, the complete files and records in this action,
7 and upon such oral and documentary evidence as may be allowed at the hearing of
8 this motion.

9
10 Dated: August 31, 2023

SEYFNIA & PRYBYLO, LLP

11
12 By: /s/ Farzad Seyfnia

13 Farzad Seyfnia, Esq.

14 Attorney for Defendant, ELAINE

15 ANGELICA LINGA, d/b/a INVESTED

16 LIFESTYLE and SIMPLYDRIVENLIFE
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MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

On or about August 21, Counsel was retained to represent Defendant, ELAINE ANGELICA LINGA (“Defendant”) in this matter. (FS Decl. ¶ 3.) In reviewing the file to consider the appropriate responsive pleading to the Complaint, it is noted that Local Rule 7-3 requires that the Parties meet and confer at least seven (7) days prior to filing a motion with the Court. To date, the parties have not had sufficient time to meet and confer regarding Defendant’s intention to file a Motion to Strike in response to Plaintiff’s Complaint. (FS Decl. ¶ 4.)

Counsel for the Defendant reached out to Counsel for the Plaintiff via phone and email on August 31, 2023. It was requested that he extend the deadline by fourteen (14) days to allow time to meet and confer. Defendant’s Counsel further indicated that he was unable to utilize a hyperlink in the Complaint. (FS Decl. ¶ 5.)

Defendant’s counsel requested that Plaintiff’s counsel respond by 2:00 pm. However, counsel has not received a response from Plaintiff’s counsel in regard to meet and confer requirements or filing a stipulation to extend time to respond. (FS Decl. ¶ 6.)

As such, Defendant’s Counsel is requesting a twenty-one (21) day extension of time to allow the parties to meet and confer and file a responsive pleading to Plaintiff’s Complaint.

If granted the new responsive pleading would come due on September 21, 2023.

CONCLUSION

For the foregoing reasons, Defendant’s Counsel respectfully requests that this Honorable Court grant the ex parte application to extend time to file responsive pleading from August 31, 2023 to September 21, 2023.

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Dated: August 31, 2023

SEYFNIA & PRYBYLO, LLP

By: /s/ Farzad Seyfnia
Farzad Seyfnia, Esq.
Attorney for Defendant, ELAINE
ANGELICA LINGA, d/b/a INVESTED
LIFESTYLE and SIMPLYDRIVENLIFE

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INVESTED LIFESTYLE and
SIMPLYDRIVENLIFE and Does 1-50

Defendants.

Case No. **2:23-cv-06283-JPR**
Honorable Jean P. Rosenbluth

**DECLARATION OF FARZAD
SEYFNIA IN SUPPORT OF
DEFENDANT’S EX PARTE
APPLICATION TO EXTEND TIME
TO FILE RESPONSIVE PLEADING**

I, Farzad Seyfnia, declare and state as follows:

1. I am an attorney at law, duly licensed to practice before all the court of the State of California, and an attorney with Seyfnia & Prybylo, LLP, counsel to Defendant ELAINE ANGELICA LINGA, d/b/a INVESTED LIFESTYLE and SIMPLYDRIVENLIFE (“Defendant”) in the above-entitled action, and I am a member in good standing of the State Bar. I make this declaration based on my personal knowledge, and if called as a witness, I could and would testify completely to the facts stated herein.

1 2. This declaration is in support of Defendant's Counsel's application to
2 extend time to file responsive pleading by twenty-one (21) days from the date of
3 this Declaration.

4 3. I was retained as Counsel for the Defendant on or about August 21,
5 2023. I am informed that service of the complaint was effectuated on Ms. Linga
6 on or about August 10, 2023. In reviewing the file to determine the proper
7 responsive pleading, I noted that Local Rule 7-3 requires the parties to meet and
8 confer prior to filing a motion, except in certain limited circumstances, none of
9 which apply to this case.

10 4. To date, the parties have been unable to meet and confer related to
11 my client's responsive pleading to Plaintiff's Complaint.

12 5. I contacted Plaintiff's counsel on August 31, 2023, via phone and
13 email to notify him of requirements as delineated by Local Rule 7-3 and to
14 requested that he stipulate to extending my client's deadline to file a responsive
15 pleading by fourteen (14) days from today's date. Plaintiff's counsel did not take
16 my call, I left him a message. Thereafter I sent him an email and requested that he
17 inform me know whether he would stipulate to the extension of time by 2:00 p.m.
18 today. (Attached hereto and marked as Exhibit "A" is a true and correct copy of
19 my email to Plaintiff's counsel sent on August 31, 2023 at 11:10 a.m.).

20 6. Plaintiff's counsel did not respond to my email or return my call.
21 Having not heard back, I contacted Plaintiff's counsel's office again at
22 approximately 2:40 p.m., however, he did not take my call and I provided his with
23 secretary with ex parte notice to obtain extension of time to file a responsive
24 pleading.

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1 7. The contact information of Plaintiff's counsel is as follows:

2 David G. Torres Siegrist
3 TORRES-SIEGRIST
4 225 South Lake Avenue, Suite 300
5 Pasadena, CA 91101
6 626-432-5460
7 Email: dgts@icloud.com

8 8. An ex parte application is necessary since time does not allow for a
9 regular noticed motion. This application was filed as soon as it became clear the
10 Parties would not have time to discuss filing a joint stipulation to extend time to file
11 responsive pleading.

12 I declare under penalty of perjury under the laws of the California that the
13 foregoing is true and correct and that this declaration was executed this August 31,
14 2023, in Los Angeles, California.

15 /s/ Farzad Seyfnia

16 Farzad Seyfnia
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EXHIBIT "A"

Thursday, August 31, 2023 at 16:24:48 Pacific Daylight Time

Subject: Capistrano v. Linga, Case No. 2:23-cv-6283 -

Date: Thursday, August 31, 2023 at 11:10:38 AM Pacific Daylight Time

From: Farzad Seyfnia

To: dgts@icloud.com

Good morning David,

I called to speak with you but was unable to reach you. I left you a voicemail.

I've recently been retained by Ms. Linga in the matter styled as Capistrano v. Linga, Case No. 2:23-cv-6283. My client's responsive pleading to the complaint is due today. I am requesting a 14-day extension of time to learn the file, prepare and file an appropriate responsive pleading to the complaint. Local rules require counsel to meet and confer prior to filing of any motion. Please let me know if this is agreeable by or before 2:00 p.m. today and I will prepare a joint stipulation for your review and signature. Thank you.

Farz

Farzad Seyfnia
Attorney at Law
SEYFNIA & PRYBYLO, LLP
633 West 5th Street, Suite 2600
Los Angeles, California 90071
213.770.4529 Main
213.260.2284 Fax
fseyfnia@splawllp.com
www.splawllp.com

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES.

I, CARLEY SAUVAGEAU am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age and not a party to the within action. My business address is 633 W 5th Street, Suite 2600 Los Angeles, CA 90071.

On August 31, 2023, I served the foregoing document(s) described as: **DEFENDANT'S EX PARTE APPLICATION TO EXTEND TIME TO FILE RESPONSIVE PLEADING, 2. DECLARATION OF FARZAD SEYFNIA IN SUPPORT OF DEFENDANT'S EX PARTE APPLICATION TO EXTEND TIME TO FILE RESPONSIVE PLEADING, 3. [PROPOSED] ORDER** on the following interested parties in this action:

David G. Torres Siegrist
TORRES-SIEGRIST
225 South Lake Avenue, Suite 300
Pasadena, CA 91101
626-432-5460

Email: dgts@icloud.com

Counsel for the Plaintiff, ROANN CELIS-CAPISTRANO

☒ BY ELECTRONIC TRANSMISSION: I caused the above-referenced document(s) to be sent by electronic mail to the e-mail addresses of each party listed above.

Executed on August 31, 2023 at Los Angeles, California.

☒ (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

/s/ Carley Sauvageau
Carley Sauvageau